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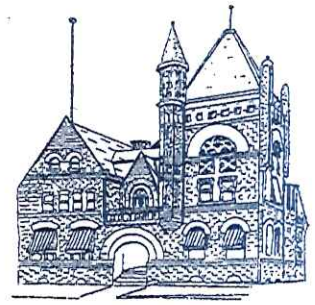
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## Office of the Mayor

City of West Haven  
355 Main Street  
West Haven, Connecticut 06516



City Hall  
1896-1968

**Nancy R. Rossi**  
*Mayor*

Exhibit 1

January 19, 2021

Senator James Maroney  
Senator Gary Winfield  
Representative Dorinda Borer  
Representative Michael DiMassa  
Representative Charles Ferraro

To the State Delegation:

Please introduce this legislation on behalf of the City of West Haven. Also attached is a letter from Corporation Counsel, Lee Tiernan.

Please let me know if you have any questions or need any additional information.

Thank you for your help in this matter.

Nancy R Rossi

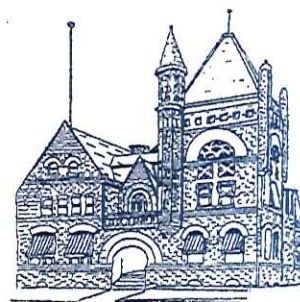
Mayor

City of West Haven



## Office of the Mayor

City of West Haven  
355 Main Street  
West Haven, Connecticut 06516



City Hall  
1896-1968

**Nancy R. Rossi**  
Mayor

*Exhibit 2*

December 22, 2020

Chairman Ronald M. Quagliani  
West Haven City Council  
355 Main Street  
West Haven, CT 06516

Dear Chairman Quagliani:

Please place the attached item on the West Haven City Council agenda for the December 28<sup>th</sup> City Council meeting. The Special Taxing District is a key element in moving the Haven project forward. This will allow them to secure additional funding in the private market to support the development and completion of this important economic development project.

This Taxing District will have no adverse effect on West Haven residents, and no individuals who are outside of the developer's parcels will see any increase or assessments due to this zone. This is inclusive to the property owned by the developer. My administration would like to send this to the State Delegation before the start of the 2021 Legislative Session in Hartford. If you have any questions, please let me know.

Sincerely,

*Nancy R. Rossi*

Nancy R. Rossi  
Mayor

Enclosures

December 28, 2020

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The regular meeting of the West Haven City Council was held on Monday, December 28, 2020 at 7:05 P.M. via electronic means pursuant to City Council Rule #30.

Pledge of Allegiance

Present were Council Members: Quagliani, Donovan, O'Connor, Gallignano, Johnston, McGee, Hamilton, Massaro, Fanelli, Cohen, Conlon, Hoskie, and Bruneau. Mayor Nancy R. Rossi was also present.

Chairman Quagliani presented a moment of Silence for Judy Florio and Raymond Ceccarelli.

7:12P.M. Public Information Session

(1 Letter Regarding Public Health Resolution read into the Record See Tape)

Chairman Quagliani called the Regular Meeting to order at 7:15 P.M.

#### **APPROVAL OF JOURNAL:**

Councilman Bruneau presented a MOTION to APPROVE the Journal of the December 9, 2020 special meeting which was SECONDED by Councilman Cohen and APPROVED unanimously viva voice.

Councilman Conlon presented a MOTION to APPROVE the Journal of the December 14, 2020 special meeting which was SECONDED by Councilwoman O'Connor and APPROVED unanimously viva voice as amended (See Tape).

#### **COMMUNICATIONS:**

A. Communication from Mayor Nancy R. Rossi in regards to a Special Taxing District for the Haven Project.

B. Communication from City Engineer Abdul Quadir in regards to the application of D.E.C.D. Grant Dollars for the Beach Street Project.

C. Communication from Chief Joseph Perno in regards to animal shelter donations.

D. Communication from the Tax Collector in regards to Overpayment refunds for the month of December 2020.

E. Communication from Taxpayer/Trina Nelson in regards to an abatement of interest and penalties on taxes.

F. Communication from Mayor Nancy R. Rossi in regards to a Public Health Resolution.

G. Communication from Building Oversight Chairman Carney in regards to the Molloy School Solar Field Project.



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H. Communication from Mayor Nancy R. Rossi in regards to a resolution for the Office of Policy and Management for the COVID-19 grant application.

RECESS: 7:38PM

**Finance Committee, Councilwoman Hoskie, Chairwoman**

**Committee Members Present: Hamilton, Bruneau, Massaro, Cohen**

Communication B. Committee Member Hamilton presented a MOTION to recommend the APPROVAL of Communication B. to the entire Council which was SECONDED by Committee Member Massaro and APPROVED unanimously by the Finance Committee.

Communication C. Committee Member Massaro presented a MOTION to recommend the APPROVAL of Communication C. to the entire Council which was SECONDED by Committee Member Cohen and APPROVED unanimously by the Finance Committee.

Communication H. Committee Member Massaro presented a MOTION to recommend the APPROVAL of Communication H. to the entire Council which was SECONDED by Committee Member Cohen and APPROVED unanimously by the Finance Committee.

**Legislative Matters Committee, Councilman Gallignano, Chairman**

**Committee Members Present: Bruneau, Johnston, Fanelli, Cohen**

Communication A. Committee Member Bruneau presented a MOTION to recommend the APPROVAL of Communication A. to the entire Council which was SECONDED by Committee Member Johnston and APPROVED unanimously by the Legislative Matters Committee.

**Tax Deferral Committee, Councilman Massaro, Chairman**

**Committee Members Present: Hamilton, Conlon, Gallignano, O'Connor**

Communication E. Committee Member Hamilton presented a MOTION to recommend the APPROVAL of Communication E. to the entire Council which was SECONDED by Committee Member O'Connor and APPROVED unanimously by the Tax Deferral Committee.

**Sustainability Committee, Councilwoman Fanelli, Chairwoman**

**Committee Members Present: Hamilton, Hoskie, Johnston, O'Connor**

Communication G. Committee Member Gallignano presented a MOTION to recommend the APPROVAL of Communication G. to the entire Council which was SECONDED by Committee Member O'Connor and APPROVED unanimously by the Public Lands Committee.

**UNFINISHED BUSINESS:**

None

RECONVENE: 8:55 PM

**COMMITTEE REPORTS:**

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Clerk read Communication D. into the record.

Councilwoman Hoskie Chairwoman of the Finance Committee presented the unanimous reports of the committee in regards to Communication B. from City Engineer Abdul Quadir in regards to the application of D.E.C.D. Grant Dollars for the Beach Street Project.

Councilwoman Hoskie presented the following MOTION which was SECONDED by Councilman Gallignano and APPROVED unanimously viva-voice.

**RESOLVED:** Whereas, pursuant to PA 79-607, as amended Sec. 21 the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and WHEREAS, it is desirable and in the public interest that the City of West Haven make an application to the State for \$5,200,000 in order to undertake the Beach Street Reconstruction Project and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council that it is cognizant of the conditions and prerequisites for the state financial assistance imposed by P.A. 79-607, as amended Sec. 21;

That the filling of an application for the State financial assistance by the City of West Haven in an amount not to exceed \$5,200,000 is hereby approved and that Mayor Nancy R. Rossi is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of City of West Haven; that is adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a respectively, as amended.

Councilwoman Hoskie Chairwoman of the Finance Committee presented the unanimous reports of the committee in regards to Communication C. from Chief Joseph Perno in regards to animal shelter donations.

Councilwoman Hoskie presented the following MOTION which was SECONDED by Councilwoman Hamilton and APPROVED unanimously viva-voice.

**RESOLVED:** That the following donation to the Department of Police Service be approved and deposited into line item #1010000028285 Animal Shelter donations:

<u>FROM</u>	<u>Check #</u>	<u>AMOUNT</u>
Catherine Iaccarino	3527	\$100.00
Maureen Fallon	232	\$50.00
Ann Bartiss	3146	\$25.00
Karen Swaim	2554	\$25.00
Patrick Kelly	6869	\$150.00
Wheat Inc.	12030	\$25.00



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Councilwoman Hoskie Chairwoman of the Finance Committee presented the unanimous reports of the committee in regards to Communication H. from Mayor Nancy R. Rossi in regards to a resolution for the Office of Policy and Management for the COVID-19 grant application.

Councilwoman Hoskie presented the following MOTION which was SECONDED by Councilman Massaro and APPROVED unanimously viva-voice.

**RESOLVED:** The City Council of the City of West Haven hereby authorizes Mayor Nancy R. Rossi or her designees (Frank Cieplinski/Michael DiMassa) to submit to the State of Connecticut Office of Policy Management all documentation and applications necessary for the reimbursement of all C.O.V.I.D. related expenses incurred by the City of West Haven.

Further Resolved: Mayor Nancy R. Rossi or her designees (Frank Cieplinski/Michael DiMassa) are further empowered to allocate the designated C.O.V.I.D. dollars pursuant to the requirements of the Office of Policy Management for the reimbursement of departmental line items where such C.O.V.I.D. expenses have been incurred. She is further authorized to expend such dollars for the costs associated with Emergency Management C.O.V.I.D. operations concurrent with the guidelines established by the Office of Policy Management.

Councilman Gallignano Chairman of the Legislative Matters Committee presented the unanimous reports of the committee in regards to Communication A. from Mayor Nancy R. Rossi in regards to a Special Taxing District for the Haven Project.

Councilman Gallignano presented the following MOTION which was SECONDED by Councilman Bruneau and APPROVED unanimously viva-voice.

**RESOLVED:** The City Council of the City of West Haven hereby approves the Concept Bill #5478 from the 2020 Connecticut General Assembly Session and hereby authorizes the Mayor to submit to the West Haven State Delegation such document for consideration and passage during the 2021 Connecticut General Assembly Session.

Councilman Massaro Chairwoman of the Tax Deferral Committee presented the unanimous reports of the committee in regards to Communication E. from Taxpayer/Trina Nelson in regards to an abatement of interest and penalties on taxes.

Councilman Massaro presented the following MOTION which was SECONDED by Councilman Gallignano and APPROVED unanimously viva-voice.

**RESOLVED:** That the request for an abatement of interest and fees, currently due as of the date of this Council Meeting on the 2015, 2016, 2017 and 2018 Grand Lists from Trina Nelson of 14 Easy Rudder Lane, West Haven, be approved based on the following:

- Tax Balance must be paid within 24 weeks from the date of this meeting.
- All tax bills issued from this date forward must be paid when due.
- A good faith effort to pay a minimum of \$100.00 a week must be established.

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Councilwoman Fanelli Chairwoman of the Sustainability Committee presented the unanimous reports of the committee in regards to Communication G. from Building Oversight Chairman Carney in regards to the Molloy School Solar Field Project.

Councilman Gallignano presented the following MOTION which was SECONDED by Councilwoman O'Connor and APPROVED by majority viva-voice with Councilwoman Hoskie abstaining.

**RESOLVED:** The City Council of the City of West Haven hereby approves the attached lease for approximately 2.5 acres of vacant land at 255 Molloy Road, for a Solar ground array. The terms and conditions are hereby set in the attached lease (Communication G). Mayor Nancy R. Rossi is hereby authorized to execute said agreement.

Councilwoman Hamilton presented Communication F. from Mayor Nancy R. Rossi in regards to a Public Health Resolution. All Council Members participated in reading the following resolution:

WHEREAS, racism is a structural system. with multiple layers that oppress Black, brown. Indigenous and People of Color (BIPOC) in intersectional areas such as. but not limited to: education. employment criminal justice, housing, civil service, municipalities mental health, and medical practices;

WHEREAS, anti-racism is the active process of identifying and eliminating racism by committing to building healthy systems, Structures, attitudes and policies so that power is redistributed and shared equitably;

WHEREAS, by acknowledging that systemic racism is a structural disadvantage to the conditions of our city. we commit to being anti-racist;

WHEREAS, structural racism perpetuates disparity in job opportunities. therefore

We will work to prevent exclusionary hiring practices and ensure the active recruitment for BIPOC;

WHEREAS, racism involuntarily places youth at an increasing disadvantage when faced with unequal educational resources and recreational opportunities, which jeopardize human development and cognitive growth, academically, physically, mentally. and emotionally:

WHEREAS, racist practices such as redlining have contributed to segregated and separated communities resulting in disparate living conditions, restricted mobility, and unequal access to services.

WHEREAS, racism restricts access to public spaces;

WHEREAS, racism has created climate injustices for BIPOC with disproportionate exposure to environmental hazards including. but not limited to: air pollution, (contributing to a higher rate of asthma), toxic gases and lead poisoning;

WHEREAS, racism contributes to disparities in health conditions, including, but not limited to: asthma. cancer. infant mortality, Covid-19, mental health. traumas diabetes, high blood pressure, and, heart disease;

WHEREAS, anti-racist work encourages the growth and success of every resident and improves community culture in the City of West Haven;



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NOW, THEREFORE BE IT RESOLVED the Mayor, and City Council commit all administrative departments to dismantling racism in formal and informal structures and declare racism a public health crisis in West Haven;

BE IT FURTHER RESOLVED, we are collectively committed to the following action that will help to both inspire and realize the full potential of BIPOC and every resident of the City of West Haven:

1. Prohibit hostile, or abusive attitudes and discriminatory practices in the work environment, classrooms, municipal entities and all public spaces by promoting anti-racism: thereby creating an inclusive, welcoming, and safe environment for BIPOC.
2. Dismantle and dissect every racist structure within our community by strengthening our leadership functions, training, anti-racist policies, and diversity exercises.
3. Research and present transparent data to create guidelines that dismantle systematic racism, and that will promote diversity throughout city governance and civil service.
4. Mobilize city leadership to adopt the aforementioned policies and guidelines for creating equity in appointments, Employment, child & youth services, access to public spaces, and recreational activities, thus ensuring a quality of life and livelihood for all residents.
5. Establish policies and procedures with informative resources in areas such as, but not limited to, human resources, social and economic development, health and welfare services, and public safety.
6. Collaborate with the Board of Education to provide resources for establishing, writing and implementing a balanced and anti-racist curriculum (one that confronts stereotypes, biases, prejudice, and discrimination). An anti-racist curriculum teaches the economic, structural, and historical roots of power inequality. In addition to being multicultural, it also challenges the existence of the single Euro-centric lens of education.
7. Create a community support network with collaborative partners from neighboring communities to expand our local, state, and federal leadership outreach to help advance our cause by creating a culture of racially diverse interaction.

Submitted by: Community Alliance of West Haven

After discussion, Chairman Quagliani called for a MOTION to end discussion SECONDED by Councilman Gallignano and APPROVED following a roll-call vote.

Councilman Donovan - Yay  
Councilwoman O'Connor - Yay  
Councilwoman Hoskie - Yay  
Councilman Conlon - Yay  
Councilwoman Johnston - Yay  
Councilman Gallignano - Yay  
Councilwoman Hamilton - Yay  
Councilman Massaro - Yay  
Councilman McGee - Yay  
Councilwoman Fanelli - Yay

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Councilman Bruneau - Yay  
Councilman Cohen - Yay  
Chairman Quagliani - Yay

Yay 13 | Nay 0 | Abstain 0 | Absent 0

Following the MOTION to end Discussion a roll call vote on the resolution was taken:

Councilman Donovan - Yay  
Councilwoman O'Connor - Yay  
Councilwoman Hoskie - Yay  
Councilman Conlon - Yay  
Councilwoman Johnston - Yay  
Councilman Galignano - Yay  
Councilwoman Hamilton - Yay  
Councilman Massaro - Yay  
Councilman McGee - Yay  
Councilwoman Fanelli - Yay  
Councilman Bruneau - Yay  
Councilman Cohen - Yay  
Chairman Quagliani - Yay

Yay 13 | Nay 0 | Abstain 0 | Absent 0

The Motion to APPROVE the Public Health Resolution passed unanimously.

**ADOPTION OF ORDINANCES PREVIOUSLY PRESENTED:** None

**COUNCIL LIAISON REPORTS:** Councilwoman Johnston thanked everyone who participated in West Haven High School's Toys for Joy event.

**NEW BUSINESS:** Councilman Cohen asked for an update from Attorney Tiernan on the Armstrong Building. Attorney Tiernan advised two meetings from the date of this meeting he would have more information to report.

Councilman Galignano presented a MOTION to adjourn SECONDED by Councilwoman Hamilton and APPROVED unanimously viva-voice.

**ADJOURNMENT:** 9:38 PM

**ATTEST:** Stacy Riccio, Clerk of the Council

**BY:** Michael A. DiMassa, Administrative Assistant

These minutes are subject to City Council approval.



**Raised Bill No. 5478**

LCO No. 2692

\*02692 \_\_\_\_\_ PD \_

\*

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:

(PD)

**AN ACT CONCERNING A SPECIAL TAXING DISTRICT WITHIN THE CITY OF WEST HAVEN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) (a) For the purposes of this section:

(1) "District" means the West Haven Special Improvement District, a body politic and corporate situated in the City of West Haven, County of New Haven and the State of Connecticut, consisting of the area bounded and described as follows: Beginning at a point located on the southerly side of Elm Street and at the northeasterly corner of lands now or formerly of SZS Enterprises, LLC, said point being the northwesterly corner of the parcel described in this section; thence running N64°23'05"E a distance of 752.16 feet along the southerly street line of Elm Street to the mean high water line of New Haven Harbor; thence running in a southerly direction a distance of 1,951.3 feet along the mean high water line of New Haven Harbor to the northeasterly corner of lands now or formerly of Bayview Condominiums; thence running S66°27'52"W a distance of 263.4 feet along the northerly line of lands now or formerly of Bayview Condominiums to the easterly street line of Bayview Place; thence running S66°27'52"W a distance of 50 feet



crossing Bayview Place to the westerly street line of Bayview Place; thence running S23°32'08"E a distance of 104.6 feet along the westerly street line of Bayview Place to lands now or formerly of Christopher W. and Bonnie A. Jones; thence running S67°06'19"W a distance of 143 feet along the northerly line of lands now or formerly of Christopher W. and Bonnie A. Jones to a point; thence running S23°32'08"E a distance of 5.32 feet to lands now or formerly of Brittany M. Shaw; thence running S66°05'44"W a distance of 144.19 feet to the easterly street line of First Avenue; thence running N24°14'02"W a distance of 280.93 feet along the easterly street line of First Avenue to a point; thence running N34°18'02"W a distance of 1,293.57 feet along the easterly street line of First Avenue to the southerly line of lands now or formerly of SZS Enterprises, LLC; thence running N36°06'22"W a distance of 100 feet along lands now or formerly of SZS Enterprises, LLC, to the point and place of the beginning. The parcel described in this section contains 1,142,714 square feet or 26.233 acres of land. The project boundaries shall also include any off-site locations mandated by any permitting agency for improvements associated with the project's traffic management requirements.

(2) "Voter" means (A) any person who is an elector of the district, (B) any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the district for taxes assessed against such citizen on an assessment of not less than one thousand dollars on the last-completed grand list of such district, as the case may be, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23) or (26) of section 12-81 of the general statutes, or (C) any holder of record of an interest in real property within the district.

(3) "Holder of record of an interest in real property" means an owner of a fee simple interest in such property.

(b) (1) Upon the petition of fifteen or more persons eligible to vote in the city of West Haven, specifying the district for any or all of the purposes set forth in this section, the mayor of such city shall call a meeting of the voters to act upon such petition, which meeting shall be

held at such place within such city and such hour as the mayor designates, not later than thirty days after such petition has been received by the mayor. Such meeting shall be called by publication of a written notice of the same, signed by the mayor, at least fourteen days before the time fixed for such meeting in two successive issues of a newspaper published or circulated in such city. Not later than twenty-four hours before such meeting, (A) two hundred or more voters or ten per cent of the total number of voters of such proposed district, whichever is less, may petition the mayor, in writing, for a referendum of the voters of such proposed district, or (B) the mayor in his or her discretion may order a referendum of the voters of such proposed district, on the sole question of whether the proposed district should be established. Any such referendum shall be held not less than seven or more than fourteen days after the receipt of such petition or the date of such order, on a day to be set by the mayor for a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.; except that such city may, by vote of its city council, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m., notwithstanding the provisions of any special act. If voters representing at least two-thirds of the assessments of holders of record within the proposed district cast votes in such referendum in favor of establishing the proposed district, the mayor shall reconvene such meeting not later than seven days after the day on which the referendum is held. Upon approval of the petition for the proposed district by voters representing at least two-thirds of the assessments of holders of record within the proposed district present at such meeting, or if a referendum is held, upon the reconvening of such meeting after the referendum, the voters may name the district and, upon the vote of voters representing a majority of assessments of holders of record within the proposed district, choose necessary officers therefor to hold office until the first annual meeting thereof; and the district shall, upon the filing of the first report filed in the manner provided in subsection (c) of section 7-325 of the general statutes, thereupon be a body corporate and politic and have the powers provided in sections 7-324 to 7-329, inclusive, of the general



statutes, not inconsistent with the general statutes or this section, in relation to the objects for which it was established, that are necessary for the accomplishment of such objects, including the power to lay and collect taxes. The clerk of such district shall cause its name and a description of its territorial limits and of any additions that may be made thereto to be recorded in, and a caveat be placed upon, the land records of the city of West Haven.

(2) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters may establish the district for any or all of the following purposes within the district: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to plan, lay out, acquire, construct, maintain and finance roads, sidewalks, crosswalks, drains, sewer infrastructure, parking facilities, open space, bulkhead repairs, environmental remediation and other public and private infrastructure improvements, including related site preparation and demolition costs, to acquire, construct, maintain and regulate the use of recreational facilities, parks, playgrounds and public artwork, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate, finance and regulate the use of a community water system, all as referred to in this section as the "improvements". The district may acquire, operate, maintain, repair and replace the improvements and may contract with a town, city, borough or other district for carrying out any of the purposes or the purchase or sale of any of the improvements for which such district was established. Any transfer to the district of real property and the improvements related to such real property shall be deemed development for municipal purposes and shall be expressly excluded from the purposes for which a subdivision, as defined in section 8-18 of the general statutes, may be made.

(3) At the meeting called for the purpose of establishing the district as provided in subdivision (1) of this subsection, the voters shall fix the date of the annual meeting of the voters for the election of district officers and the transaction of such other business as may properly come



before such annual meeting. At such organizational meeting of the district, the voters shall elect five directors and four officers as follows: A president, a vice-president, a clerk and a treasurer; provided, upon its organization and at all times thereafter, one director may be appointed by the mayor of the city of West Haven. The directors not appointed by the mayor shall be elected to serve for terms of one, two, three and four years, respectively, and thereafter at the annual meeting such directors, as each term ends, shall be elected to serve for a term of four years. Not less than three members of the board of directors shall be residents of the state of Connecticut. Subject to the provisions of subdivision (4) of this subsection, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at such organizational meeting of the district; and if fifteen voters are not present at such meeting, the mayor may adjourn such meeting from time to time, until at least fifteen voters are present. Special meetings of the district may be called on the application of ten per cent of the total number of voters of such district or twenty of the voters of such district, whichever is less, or by the president or any three directors upon giving notice as provided in this section. Any special meeting called on the application of the voters shall be held not later than twenty-one days after receiving such application. Notice of the holding of the annual meeting and all special meetings shall be given by publication of a notice of such meetings in a newspaper having a general circulation in such district at least ten days before the day of such meetings, signed by the president or any three directors, which notice shall designate the time and place of such meetings and the business to be transacted at such meetings. Two hundred or more persons or ten per cent of the total number of voters of such district, whichever is less, may petition the clerk of such district, in writing, at least twenty-four hours prior to any such meeting, requesting that any item or items on the call of such meeting be submitted to the voters not less than seven or more than fourteen days thereafter, on a day to be set by the district meeting or, if the district meeting does not set a date, by the board of directors, or a vote by paper ballots or by a "yes" or "no" vote on the voting machines, during the hours between twelve o'clock noon and eight o'clock p.m.,

except that any district may, by vote of its board of directors, provide for an earlier hour for opening the polls but not earlier than six o'clock a.m. The paper ballots or voting machine ballot labels, as the case may be, shall be provided by the clerk. When such a petition has been filed with the clerk, the president, after completion of other business and after reasonable discussion, shall adjourn such meeting and order such vote on such item or items in accordance with the petition; and any item so voted may be rescinded in the same manner. The clerk shall phrase such item or items in a form suitable for printing on such paper ballots or ballot labels. Subject to the provisions of subdivision (4) of this subsection, not fewer than fifteen voters of the district shall constitute a quorum for the transaction of business at any meeting of the district; and if fifteen voters are not present at such meeting, the president of the district or, in such president's absence, the vice-president, may adjourn such meeting from time to time, until at least fifteen voters are present; and all meetings of the district where a quorum is present may be adjourned from time to time by a vote of a majority of the voters voting on the question. At any annual or special meeting, the voters may, by a majority vote of those present, discontinue any purposes for which the district is established or undertake any additional purpose or purposes enumerated in subdivision (2) of this subsection.

(4) (A) A quorum for the transaction of business at the meeting called for the purpose of establishing the district, as provided in subdivision (1) of this subsection, shall be either fifteen voters of such district or a majority of the holders of record of interests in real property within such district, as long as the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. If fifteen voters or a majority of the holders of record of interests in real property within such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total of assessments for all interests in real property within such district, the mayor may adjourn such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present



and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(B) For the transaction of business at any meeting of the district other than a meeting described in subparagraph (A) of this subdivision, a quorum shall be either fifteen voters of the district or a majority of the holders of record of interests in real property within such district, as long as the assessments for such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district. At any meeting of the district other than a meeting described in subparagraph (A) of this subdivision, each holder of record of an interest in real property shall be entitled to cast one vote for each interest in real property that it owns within the district, except as provided in subparagraph (B) of subdivision (1) of subsection (d) of this section. All actions, resolutions and proceedings at such meeting at which a quorum is present shall require a majority vote, each, of (i) the voters of the district present and voting, and (ii) the holders of record of interests in real property within the district representing at least one-half of the assessments of all holders of record of interests in real property within the district, present and voting; provided, the provisions of this sentence may be amended at an annual or special meeting of the district at which a quorum is present only upon a majority vote, each, of (I) all of the voters of the district, and (b) all of the holders of record of interests in real property within the district representing at least two-thirds of the assessments of all holders of record of interests in real property within the district. For the purpose of determining a holder of record of an interest in real property within the district as used in this subdivision (B), such term shall mean an owner of a fee simple interest in such real property. If fifteen voters or a majority of the holders of record of interests in real property within such district are not present at such meeting or the assessments of such holders of record constitute less than one-half of the total assessments for all interests in real property within such district, the president of the district, or in such president's absence, the vice-president, may adjourn



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such meeting, from time to time, until at least fifteen voters or a majority of the holders of record of interests in real property within such district are present and the assessments of such holders of record constitute more than one-half of the total of assessments for all interests in real property within such district.

(5) In any case in which an action for a vote by the voters of the district is to be initiated by the petition of such voters, in addition to such other requirements as the general statutes or any special act may impose, such petition shall be on a form prescribed or approved by the clerk of such district, and each page of such petition shall contain a statement, signed under penalty of false statement, by the person who circulated such page, setting forth such circulator's name and address, and stating that each person whose name appears on such page signed such page in person in the presence of such circulator, that the circulator either knows each such signer or that the signer satisfactorily identified himself to the circulator and that all the signatures on such page were obtained not earlier than six months prior to the filing of such petition. Any page of a petition that does not contain such a statement by the circulator shall be invalid. Any circulator who makes a false statement in the statement required to be contained on each page of such petition shall be subject to the penalty provided for false statement. No petition shall be valid for any action for a vote by the voters at any regular or special district meeting unless such petition was circulated by a voter eligible to vote in such district.

(c) Whenever the officers of such district vote to terminate its corporate existence and whenever a petition signed by ten per cent of the total voters of such district or twenty of the voters of such district, whichever is less, applying for a special meeting to vote on the termination of the district is received by the clerk, the clerk shall call a special meeting of the voters of such district, the notice of which shall be signed by the officers thereof, by advertising such notice in the same manner as provided in section 7-325 of the general statutes. Not later than twenty-four hours before any such meeting, two hundred or more voters or ten per cent of the total number of voters, whichever is less,

may petition the clerk of the district, in writing, that a referendum on the question of whether the district should be terminated be held in the manner provided in section 7-327 of the general statutes. If, at such meeting, a two-thirds majority of the voters present vote to terminate the corporate existence of the district, or, if a referendum is held, two-thirds of the voters casting votes in such referendum vote to terminate the corporate existence of the district, the officers shall proceed to terminate the affairs of such district. The district shall pay all outstanding indebtedness and turn over the balance of the assets of such district to the city in which the district is located, if the legislative body of the city authorizes such action. No district shall be terminated under this section until all of its outstanding indebtedness is paid unless the legislative body of the city in which the district is located agrees in writing to assume such indebtedness. On completion of the duties of the officers of such district, the clerk shall cause a certificate of the vote of such meeting to be recorded in the land records of the city in which the district is located and the clerk shall notify the Secretary of the Office of Policy and Management.

(d) (1) (A) Except as provided in subparagraph (B) of this subdivision, for the purposes of voting at meetings held by such district, any tenant in common of any interest in real property shall have a vote equal to the fraction of such tenant in common's ownership of such interest. Any joint tenant of any interest in real property shall vote as if each such tenant owned an equal fractional share of such real property. A corporation shall have its vote cast by the chief executive officer of such corporation, or such officer's designee. Any entity that is not a corporation shall have its vote cast by a person authorized by such entity to cast its vote. The district shall not have a vote for any interests in real property that it owns within the district.

(B) The district shall not have a vote for any interest in real property within the district owned by such district.

(2) No holder of record of an interest in real property within the district shall be precluded from participating in any district meeting or



referendum because of the form of entity that holds such interest, whether such holder of record is (A) a corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator or other form of entity, or any combination thereof, or (B) an individual who holds interests jointly or in common with another individual or individuals, or with any one or more of the entities listed in subparagraph (A) of this subdivision.

(e) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to assess, levy and collect benefit assessments upon the land and buildings in the district that, in the judgment of such district, are benefited by the improvements.

(f) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, the district shall have the power to fix, revise, charge, collect, abate and forgive reasonable taxes, fees, rents and benefit assessments, and other charges for the cost of the improvements, financing costs, operating expenses and other services and commodities furnished or supplied to the real property in the district in accordance with the applicable provisions of the general statutes that apply to districts established under section 7-325 of the general statutes, and this section and in the manner prescribed by the district. Notwithstanding any provision of the general statutes, the district may pay the entire cost of any improvements, including the costs of financing such improvements, capitalized interest and the funding of any reserve funds necessary to secure such financing or the debt service of bonds or notes issued to finance such costs, from taxes, fees, rents, benefit assessments or other revenues and may assess, levy and collect said taxes, fees, rents or benefit assessments concurrently with the issuance of bonds, notes or other obligations to finance such improvements based on the estimated cost of the improvements prior to the acquisition or construction of the improvements or upon the completion or acquisition of the improvements.



(2) Notwithstanding any provision of the general statutes, whenever the district constructs, improves, extends, equips, rehabilitates, repairs, acquires or provides a grant for any improvements or finances the cost of such improvements, such proportion of the cost or estimated cost of the improvements and financing thereof as determined by the district, may be assessed by the district, referred to in this section as "benefit assessments", in the manner prescribed by such district, upon the property benefited by such improvements and the balance of such costs shall be paid from the general funds of the district. The district may provide for the payment of such benefit assessments in annual installments, not exceeding twenty, and may forgive such benefit assessments in any single year without causing the remainder of installments of benefit assessments to be forgiven. Benefit assessments to buildings or structures constructed or expanded after the initial benefit assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the original benefit assessment. For the purposes of this section, the provision of open space, whether within the district or in the city of West Haven, shall be deemed a benefit to all the property in the district.

(3) In order to provide for the collection and enforcement of the district's taxes, fees, rents, benefit assessments and other charges, the district is hereby granted all the powers and privileges with respect thereto as districts organized pursuant to section 7-325 of the general statutes, and as held by the city of West Haven or as otherwise provided in this section. Such taxes, fees, rents or benefit assessments, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as delinquent property taxes. Each such lien may be continued, recorded and released in the manner provided for property tax liens and shall take precedence over all other liens or encumbrances except a lien for taxes, blight or sewer user fees or any other amounts due and owing to the City of West Haven or any political subdivision of the City of West Haven as a collector of those amounts. The District lien shall be subordinate in priority to all such taxes, fees and amounts. Each

such lien may be continued, recorded and released in the manner provided for property tax liens.

(4) The budget, taxes, fees, rents, benefit assessments and any other charges of the district of general application shall be adopted and revised by the board at least annually no more than thirty days before the beginning of the fiscal year in accordance with the procedures to be established by the board at a meeting called by the board, assuring that interested persons are afforded notice and an opportunity to be heard. The board shall hold at least two public hearings on its schedule of fees, rates, rents, benefit assessments and other charges or any revision thereof before adoption, notice of which shall be delivered to the mayor and city council of the city of West Haven and be published in at least two newspapers of general circulation in the city of West Haven at least ten days in advance of the hearing. Not later than the date of the publication, the board shall make available to the public and deliver to the mayor and the city council of the city of West Haven the proposed schedule of fees, rates, rents, benefit assessments and other charges. The procedures regarding public hearing and appeal provided by section 7-250 of the general statutes shall apply for all benefit assessments made by the district except that the board shall be substituted for the water pollution control authority. If the benefit assessments are assessed and levied prior to the acquisition or construction of the improvements, the amount of the benefit assessments shall be adjusted to reflect the actual cost of the improvements, including all financing costs, once the improvements have been completed, provided the actual cost is greater than or less than the estimated costs. If the benefit assessments are assessed and levied after the acquisition or construction of the improvements, the amount of the benefit assessments shall reflect the actual cost of the improvements, including all financing costs, and such costs may be included in the bonds or budget of the district, as determined by the board. Benefit assessments shall be due and payable at such times as are fixed by the board, provided the district shall give notice of such due date not less than thirty days prior to such due date by publication in a newspaper of general circulation in the city of West



Haven and by mailing such notice to the owners of the property assessed at their last-known address.

(g) (1) Notwithstanding any provision of the general statutes, including sections 7-324 to 7-329, inclusive, of the general statutes, whenever the district has authorized the acquisition or construction of the improvements or has made an appropriation therefor, the district may authorize the issuance of up to forty million dollars of bonds, notes or other obligations to finance the cost of the improvements, the creation and maintenance of reserves required to sell the bonds, notes or obligations and the cost of issuance of the bonds, notes or obligations, except that, until such time the district enters into an interlocal agreement with the city of West Haven to share said city's revenue from incremental increase in real property taxes on property within the district, in accordance with the procedures provided by section 7-339c of the general statutes, including at least one public hearing on the proposed agreement and ratification by the city council of said city, no bonds secured by a pledge of revenues derived from the interlocal agreement shall be issued. The bonds, notes or other obligations may be secured as to both principal or interest by (A) the full faith and credit of the district, (B) fees, revenues or benefit assessments, or (C) a combination of subparagraphs (A) and (B) of this subdivision. Such bonds, notes or obligations shall be authorized by resolution of the board. The district is authorized to secure such bonds by the full faith and credit of the district or by a pledge of or lien on all or part of its revenues, fees or benefit assessments. The bonds of each issue shall be dated, shall bear interest at the rates and shall mature at the time or times not exceeding twenty years from their date or dates, as determined by the board, and may be redeemable before maturity, at the option of the board, at the price or prices and under the terms and conditions fixed by the board before the issuance of the bonds. The board shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state of Connecticut and other

locations as designated by the board. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery.

(2) While any bonds or notes issued by the district remain outstanding, the powers, duties or existence of the district shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of the bonds or notes. Bonds or notes issued under this section, unless otherwise authorized by law, shall not be considered to constitute a debt of the state of Connecticut or the city of West Haven, or a pledge of the full faith and credit of the state of Connecticut or the city of West Haven, but the bonds or notes shall be payable solely by the district or as special obligations payable from particular district revenues. Any bonds or notes issued by the district shall contain on their face a statement to the effect that neither the state of Connecticut nor the city of West Haven shall be obliged to pay the principal of or the interest thereon, and that neither the full faith and credit or taxing power of the state of Connecticut or the city of West Haven is pledged to the payment of the bonds or notes. All bonds or notes issued under this section shall have and are hereby declared to have all the qualities and incidents of negotiable instruments, as provided in title 42a of the general statutes.

(h) (1) The board may authorize that the bonds be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state of Connecticut. The trust agreement may pledge or assign the revenues. Either the resolution providing for the issuance of bonds or the trust agreement may contain covenants or provisions for protecting and enforcing the rights and remedies of the bondholders as may be necessary, reasonable or appropriate and not in violation of law.

(2) All expenses incurred in carrying out the trust agreement may be



treated as a part of the cost of the operation of the district. The pledge by any trust agreement or resolution shall be valid and binding from time to time when the pledge is made; the revenues or other moneys so pledged and then held or thereafter received by the board shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board, irrespective of whether the parties have notice thereof. Notwithstanding any provision of the Uniform Commercial Code, neither this subsection, the resolution or any trust agreement by which a pledge is created need be filed or recorded except in the records of the board, and no filing need be made under title 42a of the general statutes.

(i) Bonds or notes issued under this section are hereby made securities in which all public officers and public bodies of the state of Connecticut and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control and belonging to them; and such bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state of Connecticut for any purpose for which the deposit of bonds or notes of the state of Connecticut is now or may hereafter be authorized by law.

(j) Bonds may be issued under this section without obtaining the consent of the state of Connecticut or the city of West Haven, and without any proceedings or the happening of any other conditions or things other than those proceedings, conditions or things that are specifically required thereof by this section, and the validity of and security for any bonds issued by the district shall not be affected by the existence or nonexistence of the consent or other proceedings, conditions or things.

(k) The district itself and all its receipts, revenues, income and real

and personal property when not used for commercial purposes shall be exempt from taxation and benefit assessments and the district shall not be required to pay any tax, excise or assessment to or from the state of Connecticut or any of its political subdivisions. The principal and interest on bonds or notes issued by the district shall be free from taxation at all times, except for estate and gift, franchise and excise taxes, imposed by the state of Connecticut or any political subdivision thereof, provided nothing in this section shall act to limit or restrict the ability of the state of Connecticut or the city of West Haven to tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district or enforce any liens, fees or ordinances or future liens, fees or ordinances.

(l) The board shall at all times keep accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by a duly appointed officer or duly appointed agent of the state of Connecticut or the city of West Haven. The fiscal year of the district shall begin on July first and end on the following June thirtieth or as otherwise established by section 7-327 of the general statutes. The district shall be subject to an audit of its accounts in the manner provided in the general statutes.

(m) (1) The clerk of the district shall submit project activity reports quarterly to the Secretary of the Office of Policy and Management and to the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding. Such reports shall provide information and updates on the projects undertaken by the district, including the status of the design, financing, construction, sales of commercial and residential property and such other items as the secretary or chairpersons may request.

(2) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be provided to any existing residents and to all prospective residents of the district. The district shall furnish



each developer of a residential development within the district with sufficient copies of such information and provide each prospective initial purchaser of property in such district with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

(n) (1) This section shall be deemed to provide an additional, alternative and complete method of accomplishing the purposes of this section and exercising the powers authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law and particularly by sections 7-324 to 7-329, inclusive, of the general statutes; provided insofar as the proceedings of this section are inconsistent with any general statute or special act, or any resolution or ordinance of the city of West Haven, this section shall be controlling.

(2) Except as specifically provided in this section, all other statutes, ordinances, resolutions, rules and regulations of the state of Connecticut and the city of West Haven shall be applicable to the property, residents and businesses located in the district. Nothing in this section shall in any way obligate the city of West Haven to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the district or to pledge any money or taxes to pay debt service on bonds or notes issued by the district except as may be agreed to in any interlocal agreements executed by the city of West Haven and the district.

(o) This section being necessary for the welfare of the city of West Haven and its inhabitants shall be liberally construed to affect the purposes hereof.

This act shall take effect as follows and shall amend the following sections:

Raised Bill No. 5478

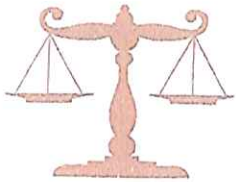
Section 1	<i>from passage</i>	New section
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**Statement of Purpose:**

To permit the establishment of a special taxing district in West Haven and authorize such district to make expenditures for public and private infrastructure improvements and issue bonds to finance the improvements.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*





Office of the Corporation Counsel  
City of West Haven, Connecticut

Exhibit 5

Corporation Counsel  
Lee Kennedy Tiernan

Assistant Corporation Counsels  
Timothy Prior Gunning  
Craig A. Sullivan

Dear Mayor Rossi,

I find no legal reason to oppose the creation of a "Special Taxation District" for the property owned by the Haven Group. I have reviewed the Connecticut Supreme Court case, *Town of Redding, et. al vs Georgetown Land Development Company* and consulted Pullman & Comley, the law firm that argued the referenced case. They have reviewed the proposed legislation, and have added language which was included and will be a part of the proposed legislation.

The proposed "Special Taxation District" would require approval by the Connecticut State Legislature and allow the developer of the Haven to reduce their borrowing costs by allowing it to sell bonds. The legislation establishing this district should include a provision that states taxes and fees due to the City of West Haven or a political subdivision thereof will have precedence over all other liens including those created by a "Special Taxation District". This measure will provide an added precaution inspired by the findings of *Town of Redding, et. al vs Georgetown Land Development Company*.

If you have any further questions please contact my office.

Sincerely,

Lee Kennedy Tiernan  
Corporation Counsel



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